

CHAPTER 228  
Sheriff

228.01	Off-duty employment of deputies.	228.03	Auxiliary Deputy Sheriff Force.
228.02	Appointment of deputies; qualifications; rules and regulations.	228.04	Disposition of unclaimed property.

CROSS REFERENCES

County and city officers - see Constitution of Va., Art. VII, §4

Deputy Sheriffs not required to reside within Loudoun County - see Code of Va.  
§15.2-1525

Bond - see Code of Va. §15.2-1527 et seq.

Election required - see Code of Va. §15.2-1600

Holidays, sick leave, vacations - see Code of Va. §15.2-1605

Duties - see Code of Va. §15.2-1609

Removal of vehicles left on snow emergency routes see TRAF. 466.06(d)

Resisting or hindering Deputy Sheriffs - see GEN. OFF. 654.09

Refusing to assist Deputy Sheriffs - see GEN. OFF. 654.10

**228.01 OFF-DUTY EMPLOYMENT OF DEPUTIES.**

Notwithstanding the provisions of Sections 2.2-3100 et seq., of the Code of Virginia, as amended, any Deputy Sheriff of the County may engage in off-duty employment which may occasionally require the use of his or her police powers in the performance of such employment. The Sheriff shall promulgate reasonable rules and regulations to apply to such off-duty employment.

(Ord. 82-21. Passed 12-6-82.)

**228.02 APPOINTMENT OF DEPUTIES; QUALIFICATIONS; RULES AND REGULATIONS.**

Notwithstanding the provisions of Section 15.2-1603 of the Code of Virginia, as amended, the minimum qualifications of persons for appointment to the position of Deputy Sheriff are as follows:

- (a) A Deputy Sheriff must have graduated from high school or obtained a GED certificate.
- (b) A Deputy Sheriff must be a United States citizen.
- (c) A Deputy Sheriff must be at least twenty-one years of age or within ninety days of his or her twenty-first birthday at the time of application for a position as a Deputy Sheriff.

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- (d) No Deputy Sheriff shall have a felony conviction record.
- (e) No Deputy Sheriff shall be excessively overweight under standards promulgated by the Sheriff.

The Sheriff shall promulgate reasonable rules and regulations in the selection and appointment process of deputies.

(Ord. 85-04. Passed 1-22-85; Ord. 98-01. Passed 3-18-98.)

#### 228.03 AUXILIARY DEPUTY SHERIFF FORCE.

(a) Establishment. The Sheriff's Department is hereby authorized to establish, equip, maintain and develop operating procedures for an Auxiliary Deputy Sheriff Force, subject to current and future appropriations by the Board of Supervisors.

(b) Definition. The Auxiliary Deputy Sheriff Force is defined as a supplemental Deputy Sheriff contingent (unit) to be comprised of citizen volunteers selectively used to conduct a variety of operational, support and administrative assignments.

(c) Appointments. The Sheriff is hereby authorized to appoint as Auxiliary Deputy Sheriffs as many persons of good character as he or she deems necessary, not to exceed forty, and their appointments shall be revocable at any time by the Sheriff or the Board of Supervisors.

(d) Uniforms, Equipment, Organization; Rules and Regulations. The Sheriff is hereby authorized to prescribe uniforms, equipment, organization and rules and regulations as he or she deems necessary for the operation of the Auxiliary Deputy Sheriff Force.

(e) Calling Personnel into Service. The Sheriff may call into service such Auxiliary Deputy Sheriffs as he or she deems necessary, as follows:

- (1) In times of public emergency;
- (2) At such times as there is an insufficient number of regular Deputies to preserve the peace, safety and good order of the community; and
- (3) At any time for the purpose of training such Auxiliary Deputy Sheriffs.

(f) Powers and Immunities; Carrying Concealed Weapons. Members of the Auxiliary Deputy Sheriff Force, when called into service by the Sheriff and at his or her authority, shall have all powers and immunities of a constable at common law. Auxiliary Deputy Sheriffs are not authorized to carry concealed weapons, except for a brief period of time as required for a special purpose.

(g) Jurisdictional Limitations. Members of the Auxiliary Deputy Sheriff Force shall not be required to act beyond the limits of the jurisdiction of the County, except when called upon to protect any public property belonging to the County which may be located beyond its boundaries.

(h) Compensation; Civil Service Status. Members of the Auxiliary Deputy Sheriff Force shall serve for one dollar (\$1.00) a year and shall not be subject to the provisions of any law

providing a civil service system for the members of the Sheriff's regular force.

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(i) Insurance. While on duty, Auxiliary Deputy Sheriffs will be covered under the County's general liability insurance coverage plan. In addition, a special risk accident insurance policy must be procured by the County for coverage of Auxiliary Deputy Sheriffs injured in the line of duty, where such injury is not covered by the State Workmen's Compensation Act.

(j) Wearing of Uniforms and Equipment. Members of the Auxiliary Deputy Sheriff Force shall wear the uniforms and equipment prescribed by the Sheriff at all times while serving as Auxiliary Deputy Sheriffs.

(k) Eligibility; Applications. Any citizen of the United States who is a resident of the County and who is between the ages of twenty-one and seventy-five years old shall be eligible to make application to become a member of the Auxiliary Deputy Sheriff Force. Applicants shall apply and will be selected in the form and manner prescribed by the Sheriff.

(l) Conflicts of Interest. Applicants for the Auxiliary Deputy Sheriff Force shall not be employed police officers, security guards, military police officers, civilians in law enforcement positions or firemen.

(m) Training. Members of the Auxiliary Deputy Sheriff Force shall be trained prior to working. The Sheriff shall establish a training program and shall certify each member who completes the required training prior to his or her entering into active service as an Auxiliary Deputy Sheriff. (Ord. 85-04. Passed 1-22-85; Ord. 04-12. Passed 10-12-04.)

#### 228.04 DISPOSITION OF UNCLAIMED PROPERTY.

(a) Short Title. This section shall be known and may be cited as the "Loudoun County Unclaimed Property Disposition Ordinance."

(b) Authority and Purpose. This section was passed pursuant to authority granted under Sections 15.2-1719 and 15.2-1720 of the Code of Virginia of 1950, as amended. The purpose of this section is to provide for the disposition of unclaimed personal property and found property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty days.

(c) Definitions. As used in this section:

- (1) "Unclaimed personal property" means any personal property, not including contraband, belonging to another, which has been acquired by a law enforcement officer pursuant to his or her duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Section 55-210.1 et seq., Code of Virginia).
- (2) "Found property" means any personal property, not including contraband, which has been found and delivered to the Sheriff or his or her duly authorized agent, the owner of which cannot be identified, which has been offered to the finder

thereof but declined and which is not needed in any criminal prosecution.

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- (3) "Notice" means, if the owner is known, written notice sent to such owner, describing the personal property and requesting that such owner claim such property, such notice to be sent by registered mail, return receipt requested, to the owner's last known address. If the owner cannot be identified after diligent inquiry, "notice" means a notice published at least once a week for two consecutive weeks in a newspaper of general circulation in the County, stating that there will be a public sale of unclaimed personal property or found property. Such property shall be described generally in the notice, together with the date, time and place of the sale.

(d) Return of Found Property to Finders. When property has been found and delivered to the Sheriff or his or her duly authorized agent by a private person, and the owner of such property cannot be identified after sixty days following publication, at least once a week for two successive weeks in a newspaper of general circulation in the County, of the location and description of the found property, such finder shall be entitled to such found property. If such finder declines the return of such property, the property shall be disposed of in the same manner as unclaimed personal property.

(e) Sale or Donation. The Sheriff or his or her duly authorized agent is hereby authorized to dispose of unclaimed personal property, which has been in his or her possession for more than sixty days, by public sale. Prior to any such sale, the Sheriff or his or her duly authorized agent shall make a reasonable attempt to notify the rightful owner of the property, shall obtain from the Commonwealth's Attorney, in writing, a statement advising that the item is not needed in any criminal prosecution and shall cause to be published in a newspaper of general circulation in the County notice of such transfer, donation or sale, prior thereto. The sale of weapons shall be restricted to licensed firearms dealers, on such terms as the Sheriff may establish, consistent with accepted bidding procedures.

(f) Destruction of Property. The Sheriff or his or her duly authorized agent is hereby authorized to destroy such property which otherwise would be sold to the public pursuant to this section, if the Sheriff or his or her duly authorized agent determines that such property has no resale value or could not be sold. Property thus disposed of shall be accounted for in a manner to be prescribed by the Sheriff.

(g) Distribution of Proceeds of Public Sale. The Sheriff or his or her duly authorized agent shall pay from the proceeds of the sale the costs of advertisement, removal, storage, investigation as to ownership and liens and notice of the sale. The balance of funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership.

If no claim supported by substantial proof of ownership has been made by the owner for the proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the General Fund of the County. Any such owner shall be entitled to apply to the County within three years from the date of the sale, and, if timely application is made therefor, the County shall pay the remaining proceeds of the sale to the owner, upon proof of ownership of the sold property satisfactory to the Board of Supervisors, without interest or other charges. No claim

shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of the sale. (Ord. 85-06. Passed 4-15-85; Ord. 98-01. Passed 3-18-98.)

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